



IFW

Docket No. CRD0836DIV1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Frank Butaric et al. Confirmation No.: 2936
Serial No. : 10/622,725 Art Unit: 3738
Filed : July 18, 2003 Examiner:
For : Stent Graft having A Pleated Graft Member

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Carl J. Evens
(Name of applicant, assignee, or Registered Representative)

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(Signature)

11/1/04
(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on January 7, 2004, and March 15, 2004.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted.

- ☒ This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application SN.: 09/714,078, filed on November 16, 2000, now US 6,626,938B1.
- ☐ This application also relies, under 35 § U.S.C. 120, on the earlier filing date of prior application SN.: , filed on .
- ☒ The following references were not submitted to, and/or cited by, the Office in the prior application(s) and, therefore, a copy is provided in this application: EP0480667A1, EP0579523B1, and EP0615769A1.
- ☒ The following references were not submitted to, and/or cited by, the Office in the prior

application(s) and, however, since they are US published application or patents, no copy is provided: 6,203,568, 6,210,429, 6,224,609, 6,270,525, 6,293,965, 6,299,634, 6,325,820, 6,325,823, 6,325,826, 6,344,056, 6,409,756, 6,468,301, 6,524,336, 6,576,009, 6,596,023, 6,648,913, 2002/0052648, 2002/0193873, 2002/156521, 2003/0097169,

☒ If any of the publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☐ There are no listed references which are not in the English language.

☒ The relevance of those listed references which are not in the English language is as follows:

English language claims are part of EP0579523B1.

English language abstracts are provided for DE3205942A1, EP0579523A1, FR566807A, R2740346A, FR2743293A, JP7529A, JP4064367A, JP4263852A, JP5076603A, JP5269199A, JP5524095A, JP6086827A, JP6282730A, JP7024072A, JP7100210, JP60220030, JP62231657A, and RU1680055A.

English language equivalents are provided for:

EP 0734698A2 - US 5,876,449

FR 2733682A - US 6,183,509
JP 4263852A - EP 0480667A1
JP 6086827A - EP 0615769A1

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed .

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

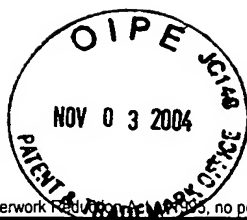
Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CRD836DIV/CJE. This form is submitted in triplicate.

Respectfully submitted,



Carl. J. Evens
Reg. No. 33,874
Attorney for Applicants

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DATED:



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 18

Confirmation Number	2936
Application Number	10/622,725
Filing Date	July 18, 2003
First Named Inventor	Frank Butaric
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	CRD0836DIV1

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		3,142,067	A	Liebig	07-28-1964	
		3,585,707	A	Stevens	06-22-1971	
		3,657,744	A	Ersek	04-25-1972	
		4,140,126	A	Choudhury	02-20-1979	
		4,169,464	A	Obrez	10-02-1979	
		4,187,390	A	Gore	02-05-1980	
		4,317,451	A	Cerwin et al.	03-02-1982	
		4,441,216	A	Ionescu et al.	04-10-1984	
		4,503,569	A	Dotter	03-12-1985	
		4,545,082	A	Hood	10-08-1985	
		4,553,545	A	Maass	11-19-1985	
		4,562,596	A	Kornberg	01-07-1986	
		4,570,006	A	Fujii et al.	02-11-1986	
		4,580,568	A	Gianturco	04-08-1986	
		4,604,762	A	Robinson	08-12-1986	
		4,617,932	A	Kornberg	10-21-1986	
		4,655,771	A	Wallsten	04-07-1987	
		4,665,906	A	Jervis	05-19-1987	
		4,681,110	A	Wiktor	07-21-1987	
		4,705,517	A	DiPisa, Jr.	11-10-1987	
		4,728,328	A	Hughes	03-01-1988	
		4,731,073	A	Robinson	03-15-1988	
		4,732,152	A	Wallsten	03-22-1988	
		4,733,665	A	Palmaz	03-29-1988	
		4,739,762	A	Palmaz	04-26-1988	
		4,769,029	A	Patel	09-06-1988	
		4,776,337	A	Palmaz	10-11-1988	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 18

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		Number	Kind Code ² (if known)			
		4,784,137	A	Kulik et al.	11-15-1988	
		4,787,899	A	Lazarus	11-29-1988	
		4,800,882	A	Gianturco	01-31-1989	
		4,822,341	A	Colone	04-18-1989	
		4,850,999	A	Planck	07-25-1989	
		4,856,516	A	Hillstead	08-15-1989	
		4,875,480	A	Imbert	10-24-1989	
		4,886,062	A	Wiktor	12-12-1989	
		4,907,336	A	Gianturco	03-13-1990	
		4,913,141	A	Hillstead	04-03-1990	
		4,925,445	A	Sakamoto	05-15-1990	
		4,950,227	A	Savin	08-21-1990	
		4,955,899	A	Della Corna	09-11-1990	
		4,969,458	A	Wiktor	11-13-1990	
		4,990,131	A	Dardik	02-05-1991	
		4,990,151	A	Wallsten	02-05-1991	
		4,990,155	A	Wilkoff	02-05-1991	
		4,994,071	A	MacGregor	02-19-1991	
		5,015,253	A	MacGregor	05-14-1991	
		5,019,085	A	Hillstead	05-28-1991	
		5,026,377	A	Burton	06-25-1991	
		5,035,694	A	Kasprzyk, et al.	07-30-1991	
		5,035,706	A	Gianturco	07-30-1991	
		5,041,126	A	Gianturco	06-25-1991	
		5,045,072	A	Castillo	09-03-1991	
		5,064,435	A	Burton	11-12-1991	
		5,078,726	A	Kreamer	01-07-1992	

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Sheet 3 of 18

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		Number	Kind Code ² (if known)			
		5,084,065	A	Weldon	01-28-1992	
		5,100,422	A	Berguer et al.	03-31-1992	
		5,102,417	A	Palmaz	04-07-1992	
		5,104,399	A	Lazarus	04-14-1992	
		5,104,400	A	Berguer	04-14-1992	
		5,104,404	A	Wolff	04-14-1992	
		5,114,423	A	Kasprzyk , et al.	05-19-1992	
		5,116,365	A	Hillstead	05-26-1992	
		5,122,154	A	Rhodes	06-16-1992	
		5,123,917	A	Lee	06-23-1992	
		5,131,908	A	Dardik et al.	07-21-1992	
		5,133,732	A	Wiktor	07-28-1992	
		5,135,536	A	Hillstead	08-04-1992	
		5,151,105	A	Kwan-Gett	09-29-1992	
		5,152,782	A	Kowligi	10-06-1992	
		5,156,620	A	Pigott	10-20-1992	
		5,159,920	A	Cordon	11-03-1992	
		5,163,951	A	Pinchuk	11-17-1992	
		5,163,958	A	Pinchuk	11-17-1992	
		5,171,262	A	MacGregor	12-15-1992	
		5,176,660	A	Truckai	01-05-1993	
		5,178,618	A	Kandarpa	01-12-1993	
		5,192,297	A	Trescony , et al.	03-09-1993	
		5,192,307	A	Wall	03-09-1993	
		5,195,984	A	Schatz	03-23-1993	
		5,207,695	A	Trout, III	05-04-1993	
		5,211,658	A	Clouse	05-18-1993	

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Sheet 4 of 18

Confirmation Number	2936
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		Number	Kind Code ² (if known)			
		5,217,483	A	Tower	06-08-1993	
		5,219,355	A	Parodi	06-15-1993	
		5,222,971	A	Willard et al.	06-29-1993	
		5,236,447	A	Kubo	08-17-1993	
		5,246,445	A	Yachia et al.	09-21-1993	
		5,246,452	A	Sinnott	09-21-1993	
		5,254,107	A	Soltesz	10-19-1993	
		5,258,021	A	Duran	11-02-1993	
		5,258,027	A	Berghaus	11-02-1993	
		5,266,073	A	Wall	11-30-1993	
		5,275,622	A	Lazarus et al.	01-04-1994	
		5,282,823	A	Schwartz et al.	02-01-1994	
		5,282,824	A	Gianturco	02-01-1994	
		5,282,847	A	Trescony, et al.	02-01-1994	
		5,282,860	A	Matsuno	02-01-1994	
		5,290,305	A	Inoue	03-01-1994	
		5,292,331	A	Boneau	03-08-1994	
		5,304,197	A	Pinchuk	04-19-1994	
		5,304,200	A	Spaulding	04-19-1994	
		5,306,294	A	Winston	04-26-1994	
		5,314,444	A	Gianturco	05-24-1994	
		5,314,472	A	Fontaine	05-24-1994	
		5,316,023	A	Palmaz	05-31-1994	
		5,318,535	A	Miraki	06-07-1994	
		5,321,109	A	Bosse	06-14-1994	
		5,330,490	A	Wilk	07-01-1994	
		5,330,500	A	Song	07-19-1994	

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Sheet 5 of 18

Confirmation Number	2936
Application Number	10/622,725
Filing Date	July 18, 2003
First Named Inventor	Frank Butaric
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	CRD0836DIV1

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		Number	Kind Code ² (if known)			
		5,330,528	A	Lazim	07-19-1994	
		5,334,201	A	Cowan	08-02-1994	
		5,334,301	A	Heinke et al.	08-02-1994	
		5,342,387	A	Summersq	08-30-1994	
		5,354,257	A	Roubin et al.	10-11-1994	
		5,354,308	A	Simon et al.	10-11-1994	
		5,358,493	A	Schweich, Jr., et al.	10-25-1994	
		5,350,493	A	Barone	11-01-1994	
		5,366,473	A	Winston	11-22-1994	
		5,366,504	A	Andersen et al.	11-22-1994	
		5,370,683	A	Fontaine	12-06-1994	
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		5,375,612	A	Cottenceau et al.	12-27-1994	
		5,376,112	A	Duran	12-27-1994	
		5,380,328	A	Morgan	01-10-1995	
		5,382,261	A	Palmaz	01-17-1995	
		5,383,927	A	DeGoicoechea	01-24-1995	
		5,387,235	A	Chuter	02-07-1995	
		5,389,106	A	Tower	02-14-1995	
		5,395,390	A	Simon et al.	03-07-1995	
		5,397,345	A	Lazarus	03-14-1995	
		5,397,355	A	Marin et al.	03-14-1995	
		5,403,341	A	Solar	04-04-1995	
		5,405,322	A	Lennox, et al.	04-11-1995	
		5,405,377	A	Cragg	04-11-1995	
		5,411,507	A	Heckele	05-02-1995	
		5,411,549	A	Peters	05-02-1995	

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Sheet 6 of 18

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		5,417,708	A	Hall , et al.	05-23-1995	
		5,419,324	A	Dillow	05-30-1995	
		5,421,955	A	Lau et al.	06-06-1995	
		5,423,885	A	Williams	06-13-1995	
		5,439,446	A	Barry	08-08-1995	
		5,441,515	A	Khosravi et al.	08-15-1995	
		5,441,515	A	Wang et al.	08-15-1995	
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		5,480,423	A	Ravenscroft	01-02-1996	
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		5,489,295	A	Piplani , et al.	02-06-1996	
		5,496,365	A	Fontaine et al.	03-05-1996	
		5,507,767	A	Maeda , et al.	04-16-1996	
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Sheet 7 of 18

Confirmation Number	2936
Application Number	10/622,725
Filing Date	July 18, 2003
First Named Inventor	Frank Butaric
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	CRD0836DIV1

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
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		5,507,995	A	Schweich, Jr., et al.	04-16-1996	
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		5,522,880	A	Barone	06-04-1996	
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Sheet 8 of 18

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Group Art Unit	3738
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		5,676,696	A	Marcade	10-14-1997	
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		5,681,345	A	Euteneuer et al.	10-28-1997	
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Sheet 9 of 18

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First Named Inventor	Frank Butaric
Group Art Unit	3738
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		Number	Kind Code ² (if known)			
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Sheet 10 of 18

Confirmation Number	2936
Application Number	10/622,725
Filing Date	July 18, 2003
First Named Inventor	Frank Butaric
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	CRD0836DIV1

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Confirmation Number	2936
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First Named Inventor	Frank Butaric
Group Art Unit	3738
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		5,800,456	A	Maeda , et al.	09-01-1998	
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		5,824,044	A	Yazici , et al.	10-27-1998	
		5,824,046	A	Smith et al.	10-20-1998	
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Confirmation Number	2936
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Group Art Unit	3738
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		5,908,448	A	Roberts , et al.	06-01-1999	
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		5,919,224	A	Thompson , et al.	07-06-1999	
		5,928,260	A	Chin , et al.	07-27-1999	
		5,935,667	A	Calcote	08-10-1999	
		5,938,696	A	Goicoechea , et al.	08-17-1999	
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		5,954,693	A	Barry	09-21-1999	
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Sheet 14 of 18

Confirmation Number	2936
Application Number	10/622,725
Filing Date	July 18, 2003
First Named Inventor	Frank Butaric
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	CRD0836DIV1

U.S. PATENT DOCUMENTS

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		Number	Kind Code ² (if known)			
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		Office ³	Number ⁴	Kind Code ⁵				
	7	DE	D3205942	A1	Vasilev Ljubomir	09-08-1983	English Abstract	No
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		Office ³	Number ⁴	KindCode ⁵				
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